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Mayor

Jamie L. Matthews

Council Members

- Lisa M. Gillmor
- Will Kennedy
- Patrick Kolstad
- Patricia Mahan
- Jamie McLeod
- Kevin Moore

July 29, 2011

San Francisco Bay Conservation and Development Commissioners  
 c/o Will Travis, Executive Director  
 Bay Conservation Development Commission  
 50 California Street, Suite 2600  
 San Francisco, CA 94111

RECEIVED  
 AUG - 4 2011

SAN FRANCISCO BAY CONSERVATION  
 & DEVELOPMENT COMMISSION

Re: Proposed Bay Area Plan Amendment

Dear Commissioners:

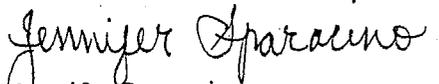
The City of Santa Clara appreciates the effort that the BCDC has invested in amending its San Francisco Bay Plan to incorporate current sea level rise findings and policies and to add a new section in the Plan dealing more broadly with climate change and adapting to sea level rise. However, we are concerned that the City's local control is recognized.

City staff has reviewed the proposed amendments and other information provided on the BCDC website and the City's Director of Planning and Inspection has been in workshops and had conversations with other agency staff regarding these amendments. We understand from this research that the proposed policies would be applied by the Commission only within its current jurisdictional and geographically defined boundaries, with no expansion of its regulatory authority. Although the City of Santa Clara is currently unaffected by the geographical boundaries of BCDC's authority, we will continue to monitor the proposals to insure that the City's local control is recognized while keeping in step with regional climate change policies.

The City of Santa Clara recognizes that climate change is a major global challenge for the 21<sup>st</sup> century. We intend to work for the best interests of all, but at the same time continue to strongly support local control with informed decisions on development and protection of City lands:

Sincerely,

  
 Jamie L. Matthews  
 Mayor, City of Santa Clara

  
 Jennifer Sparacino  
 City Manager, City of Santa Clara

cc: City Council of the City of Santa Clara  
 Mayor Chuck Reed, City of San Jose

C:\Documents and Settings\jkadam\Local Settings\Temporary Internet Files\OLKD4BM\Mayor and CM ltr to BCDC re Plan Amdmts - 07-26-11.doc

# PROTECT OUR BAYSIDE COMMUNITIES

For Immediate Release  
August 2, 2011

Contact: Roger Salazar  
(916) 444-8897

## Protect Our Bayside Communities Responds to BCDC Revised Bay Plan Amendment

SAN FRANCISCO - On July 29, the San Francisco Bay Conservation and Development Commission (BCDC) issued revisions to its Bay Plan Amendment, which would establish requirements and recommendations for land-use and development permit decisions in areas potentially vulnerable to inundation and flooding.

**Protect Our Bayside Communities** applauds BCDC for highlighting the threat posed by predicted sea level rise and for revising its proposal in response to a chorus of objections from stakeholders concerned about its impact on economic development and local control over land-use decisions.

However, as a real regional strategy for responding to sea level rise, the proposed Bay Plan amendment is at best a framework and falls far short of identifying what needs protecting, how to protect it and how to pay for it.

"While we respect and appreciate what the BCDC is doing in making these amendments to its Bay Plan, we still feel that there is more that needs to be done," said Roger Salazar, spokesperson for **Protect our Bayside Communities**. "Our bayside communities and the region as a whole need a plan of action – not just a reaction."

Salazar added, "The current plan leaves many unanswered questions: Who and how are decisions to be made as to which properties and infrastructure to protect? Who is going to pay for this protection? From where will the funding come? These are important questions that need to be answered."

**Protect Our Bayside Communities** urges the BCDC to:

1. Take steps immediately to convene parties from all levels of government and the private sector necessary to craft the comprehensive regional adaptation strategy that the revised Bay Plan amendment calls for;
2. Support and help coordinate vulnerability assessments by local authorities of property and infrastructure under threat of predicted sea-level rise;
3. Encourage environmentally and economically sustainable private investment and innovation and public-private partnerships in low-lying areas to help pay the cost of adapting and building resiliency to rising seawaters.

Global warming is expected to result in sea level rise in San Francisco Bay of 16 inches (40 cm) by mid-century and 55 inches (140 cm) by the year 2100. Without maintenance of existing levees and flood controls and investment in new measures, the inundation and flood zone would extend to 270,000 people in Bayside communities and 213,000 acres of shoreline and low-laying inland property around the Bay. It will also impact \$62 billion in buildings and their content at the shoreline and billions of dollars worth of critical transportation, public health and educational assets and infrastructure.

*Protect Our Bayside Communities, is a concerned alliance made up of more than 100 stakeholders from local communities and government, labor groups, agriculture, real estate, and local business and industry organizations, that will provide a new and united voice for both the protection of bayside communities, businesses, and public services that are vulnerable to inundation and flooding due to sea level rise and the investment necessary to preserve and nourish bayside economies.*

###



CITY OF  
**HAYWARD**  
HEART OF THE BAY

August 3, 2011

RECEIVED  
AUG - 8 2011

SAN FRANCISCO BAY CONSERVATION  
& DEVELOPMENT COMMISSION

The Honorable Sean Randolph, Chair  
San Francisco Bay Conservation and Development Commission  
50 California Street, Suite 2600  
San Francisco, CA 94111

Subject: Proposed Bay Plan Amendment No. 1-08

Dear Mr. Chairman and Commissioners:

The following letter and attached Resolution is being forwarded to you as a result of Council action on August 2, 2011.

As a local municipality that has been studying sea level rise in the East Bay and as a participant in the ongoing Adapting to Rising Tides project, the City of Hayward is pleased to see BCDC addressing the issues of sea level rise and climate change at a regional scale. While the proposed Bay Plan Amendment is a step in the right direction, additional resources must be directed toward more detailed vulnerability assessments and adaptation plans as well as actual shoreline improvements.

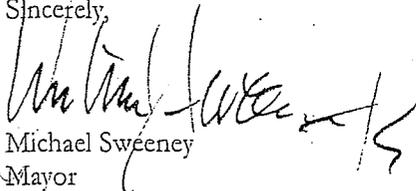
While we recognize that the proposed Bay Plan Amendments are not intended to increase BCDC's regulatory authority, the 100-foot-wide shoreline band will move as sea levels rise, which will increase BCDC's area of authority. Current mapping is not sufficient to know the future extent of the Bay and the 100-foot-wide band on the Hayward shoreline. In addition, it is critical to us that we participate as equal partners in addressing this critical issue, including maintaining as much local control as possible while working cooperatively with BCDC.

Local agencies intend to take a leadership role in the planning for sea level rise, and the City of Hayward and the Hayward Area Shoreline Planning Agency (HASPA) have already assumed such a role, as reflected in the development of a preliminary impact assessment of sea level rise on the Hayward shoreline. A collaborative partnership with BCDC will be essential for such planning as well as for the funding and the implementation of adaptation plans.

On that note, the City of Hayward looks forward to working closely with BCDC on the regional sea level rise adaptation strategy called for in the proposed Bay Plan Amendment, and fully supports and appreciates BCDC's efforts to address sea level rise and encourages the Commission to continue to work on this issue with its local partners.

Also, in consideration of the proposed amendments, we look forward to continuing to work with BCDC to find ways to streamline the permitting process for levee repairs and other sea level rise mitigation/adaptation projects that are critically needed both now and as the Bay continues to rise.

Sincerely,



Michael Sweeney  
Mayor

OFFICE OF MAYOR MICHAEL SWEENEY

777 B STREET, HAYWARD, CA 94541-5007  
TEL: 510/583-4340 • FAX: 510/583-3601 • TDD: 510/247-3340  
EMAIL: michael.sweeney@hayward-ca.gov

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-145

Introduced by Council Member Quirk

RESOLUTION AUTHORIZING THE MAYOR TO SIGN A  
LETTER TO THE SAN FRANCISCO BAY CONSERVATION  
AND DEVELOPMENT COMMISSION REGARDING THE  
PROPOSED BAY PLAN AMENDMENTS

WHEREAS, the San Francisco Bay Conservation and Development Commission (BCDC) has been working on amending the Bay Plan to incorporate findings and policies related to climate change since April, 2009; and

WHEREAS, the Bay Plan needs to be amended to include policies that address both existing and planned development that will be impacted by rising sea levels; and

WHEREAS, the Bay Plan Amendment (BPA) is scheduled to be considered by the Commission on September 1, 2011 and approved on October 6, 2011; and

WHEREAS, the City of Hayward commends BCDC for addressing climate change and the issue of sea level rise in the Bay Plan; and

WHEREAS, the City of Hayward is a member of the Hayward Area Shoreline Planning Agency (HASPA), a joint powers agency, composed of the City of Hayward, the Hayward Area Recreation and Park District, and the East Bay Regional Park District; and

WHEREAS, HASPA has been considering the potential impacts of sea level rise and in 2009 commissioned a study titled "Preliminary Study on the Effect of Sea Level Rise on the Resources of the Hayward Shoreline," by hydrology consultant Phillip Williams and Associates; and

WHEREAS, further study is needed to determine the relative vulnerability of the various systems of infrastructure and to develop a master plan that prioritizes and coordinates the improvements that need to be made to protect these resources; and

WHEREAS, land use decisions made along the shoreline, particularly inland from the current 100-foot zone, have the capacity to impact and guide future economic development within the boundaries of the City of Hayward; and

WHEREAS, the City of Hayward looks forward to working closely with BCDC on the regional sea level rise adaptation strategy called for in the proposed Bay Plan Amendment, while stressing the importance of continuing to allow maximum local land use control along the shoreline.

NOW THEREFORE BE IT RESOLVED, that the Mayor is hereby authorized and directed, on behalf of the City Council and in its name, to sign and send a letter addressed to BCDC supporting BCDC's efforts to address sea level rise in partnership with affected local jurisdictions while recognizing the importance of and respecting the responsibility local municipalities have for land use and land use decisions within their boundaries.

IN COUNCIL, HAYWARD, CALIFORNIA August 2, 2011

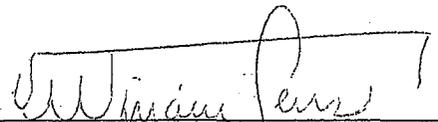
ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: Quirk, Halliday, Peixoto, Salinas, Henson  
MAYOR: Sweeney

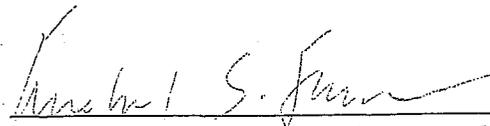
NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Zermefio

ATTEST:   
City Clerk of the City of Hayward

APPROVED AS TO FORM:

  
City Attorney of the City of Hayward

**Subject:** Pass the Bay Plan Climate Change Policy  
**Date:** Monday, August 8, 2011 12:50 PM  
**From:** celticwomanwicklow@hotmail.com  
**To:** <info@bcdc.ca.gov>

Mary Lou Finley  
2866 Calle Salida Del Sol  
San Diego, CA 92139-3541

RECEIVED  
AUG - 8 2011

SAN FRANCISCO BAY CONSERVATION  
& DEVELOPMENT COMMISSION

August 8, 2011

Sean Randolph

Dear Sean Randolph:

BCDC has shown its leadership by educating the Bay Area about the challenges of sea level rise. I urge you now to promptly adopt the staff's proposal for the Bay Plan Climate Change Policy that gives cities guidance on how to protect infrastructure and crucial habitat in areas vulnerable to sea level rise.

This policy has been carefully crafted through two years of extensive outreach, public hearings and BCDC workshops. It advances the California Climate Adaptation Strategy that Governor Schwarzenegger adopted in 2009 and it will help ensure a common and cautious approach to sea level rise planning, instead of allowing cities and developers to ignore risks.

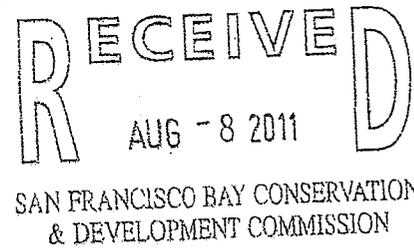
Please reject the false claims and attacks of developers, and adopt these policies that will help guide the Bay Area's sea level rise planning to protect people and wildlife habitat.

Sincerely,

Mary Lou Finley  
619 434 5582

**Subject: Pass the Bay Plan Climate Change Policy**  
**Date: Sunday, August 7, 2011 3:25 PM**  
**From: sharkterritory650@gmail.com**  
**To: <info@bcdc.ca.gov>**

Eric Rider  
1440 Alameda de las pulgas  
San Carlos, CA 94070-4569



August 7, 2011

Sean Randolph

Dear Sean Randolph:

BCDC has shown its leadership by educating the Bay Area about the challenges of sea level rise. I urge you now to promptly adopt the staff's proposal for the Bay Plan Climate Change Policy that gives cities guidance on how to protect infrastructure and crucial habitat in areas vulnerable to sea level rise.

This policy has been carefully crafted through two years of extensive outreach, public hearings and BCDC workshops. It advances the California Climate Adaptation Strategy that Governor Schwarzenegger adopted in 2009 and it will help ensure a common and cautious approach to sea level rise planning, instead of allowing cities and developers to ignore risks.

Please reject the false claims and attacks of developers, and adopt these policies that will help guide the Bay Area's sea level rise planning to protect people and wildlife habitat.

Sincerely,

Eric Rider

**Subject: Pass the Bay Plan Climate Change Policy**

**Date:** Monday, August 8, 2011 12:15 PM

**From:** huggeroo@aol.com

**To:** <info@bcdc.ca.gov>

Sandra Karinja  
326 Genoa Dr  
Redwood City, CA 94065-2824

RECEIVED  
AUG - 8 2011

SAN FRANCISCO BAY CONSERVATION  
& DEVELOPMENT COMMISSION

August 8, 2011

Sean Randolph

Dear Sean Randolph:

BCDC has shown its leadership by educating the Bay Area about the challenges of sea level rise. I urge you now to promptly adopt the staff's proposal for the Bay Plan Climate Change Policy that gives cities guidance on how to protect infrastructure and crucial habitat in areas vulnerable to sea level rise.

This policy has been carefully crafted through two years of extensive outreach, public hearings and BCDC workshops. It advances the California Climate Adaptation Strategy that Governor Schwarzenegger adopted in 2009 and it will help ensure a common and cautious approach to sea level rise planning, instead of allowing cities and developers to ignore risks.

Please reject the false claims and attacks of developers, and adopt these policies that will help guide the Bay Area's sea level rise planning to protect people and wildlife habitat.

Sincerely,

Sandra Karinja



## City of Martinez

525 Henrietta Street, Martinez, CA 94553-2394

(925) 372-3515

FAX (925) 372-0257

RECEIVED  
AUG 10 2011

August 8, 2011

SAN FRANCISCO BAY CONSERVATION  
& DEVELOPMENT COMMISSION

R. Sean Randolph  
Chairman  
BAY CONSERVATION AND  
DEVELOPMENT COMMISSION  
c/o Bay Area Council  
201 California Street, Suite 1450  
San Francisco, CA 94111

Will Travis  
Executive Director  
BAY CONSERVATION AND  
DEVELOPMENT COMMISSION  
50 California Street, Suite 2600  
San Francisco, California 94111

*Re: Proposed Bay Plan Amendment 1-08 Concerning Climate Change*

Dear Messrs. Randolph and Travis:

A workshop regarding the effects of sea level rise and climate change on the City of Martinez was conducted prior to the City Council's meeting of July 6, 2011. The first part of the workshop consisted of a presentation and four panelists who spoke on the topic. Following the presentation and panelists the Council asked a number of questions and discussed the topic. At the end of the workshop staff sought direction from the Council on how to proceed. The Council directed staff to prepare a resolution to be submitted to the Bay Conservation and Development Commission regarding the proposed Bay Plan amendment. The Council directed that the resolution include the following elements:

- Oppose a policy of retreat from existing urban areas;
- Encourage local and regional governments, the State, regulatory agencies, railroads, refineries, and other private interests affected to pursue policies of protecting existing urban areas; and
- Encourage economic development activity that takes into consideration adaptation and mitigations strategies in urban infill areas within the identified inundation zone.

The Council approved the resolution, which is attached, at the following meeting July 20, 2011. The City asks that the resolution be included in the public record of the proposed amendment. If you have any questions, please call me at 925.372.3534 or email me at [tblount@cityofmartinez.org](mailto:tblount@cityofmartinez.org).

Sincerely,

Terry Blount, AICP  
Planning Manager

Cc: Philip Vince, City Manager

RESOLUTION NO. 080-11

PROTECTING BAYSIDE COMMUNITIES,  
OUR ECONOMY, AND OUR ENVIRONMENT

WHEREAS, potential threats to the Bay Area posed by climate-change-induced sea-level rise are a prominent topic of potential debate and restrictive action by regulatory agencies; and

WHEREAS, currently accepted projections have sea levels rising 55 inches by the year 2100, potentially inundating 217,000 acres around the Bay, threatening 270,000 people, and tens of billions of dollars of existing facilities and infrastructure; and

WHEREAS, the potentially impacted class includes countless senior citizens, disabled persons, and low-income families living within the projected inundation zone that will be impacted by projected sea level rise; and

WHEREAS, hundreds of thousands of jobs, billions of dollars in economic activity, and a significant portion of the Bay Area economy lies within the projected inundation zone; and

WHEREAS, the City of Martinez has residents, businesses, public infrastructure, and economic development and environmental restoration opportunities in low-lying areas that would be exposed to predicted sea-level rise; and

WHEREAS, influential advocacy groups are now strongly pushing for new policies to be adopted by agencies such as the San Francisco Bay Conservation and Development Commission that would call on local government to "retreat" from existing urbanized areas in the face of rising seas, thus abandoning existing residents and businesses which operate in these areas; and

WHEREAS, such a policy of "urban retreat" will discourage new investment, new economic activity, as well as an expanded job base and technological innovations which could help fund protection and restoration measures and help boost the local economy; and

WHEREAS, some individuals and groups also are proposing additional taxes on homeowners to deal with bayside issues - without consideration of the need to preserve those sources to support fiscally threatened basic public services such as police, fire protection, and schools; and

WHEREAS, these same individuals and groups would propose these additional taxes on homeowners - without first pursuing new private investment to meet the economic and environmental needs of bayside communities in an era of climate change; and

WHEREAS, local governments face unprecedented fiscal challenges and working men and women in the Bay Area already confront crushing economic pressures and high unemployment, making policies that discourage investment and economic development especially ill advised and punitive.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Martinez opposes a policy of "retreat" from existing urban areas in the face of rising seas; and

BE IT FURTHER RESOLVED that we encourage local and regional governments, the State, regulatory agencies, railroads, refineries, and other private interests affected to pursue policies of protecting existing urban areas; and

BE IT FURTHER RESOLVED that we encourage economic development activity that takes into consideration adaptation and mitigations strategies in urban infill areas within the identified inundation zone.

\* \* \* \* \*

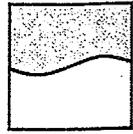
I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 20th day, of July, 2011, by the following vote:

AYES: Councilmembers Lara DeLaney, Michael Menesini, Mark Ross, Vice Mayor Janet Kennedy, and Mayor Rob Schroder

NOES: None

ABSENT: None

  
RICHARD G. HERNANDEZ, CITY CLERK  
CITY OF MARTINEZ



Redwood City  
Saltworks

RECEIVED  
AUG 11 2011

SAN FRANCISCO BAY CONSERVATION  
& DEVELOPMENT COMMISSION

August 11, 2011

Sean Randolph, Chair  
Will Travis, Executive Director  
BAY CONSERVATION AND DEVELOPMENT COMMISSION  
50 California Street, Suite 2600  
San Francisco, California 94111

Re: Proposed Bay Plan Amendments Relating to Climate Change  
July 29, 2011 Version

Dear Chair Randolph and Executive Director Travis,

We write to commend the Bay Conservation and Development Commission staff and Commissioners for considering and largely incorporating the thoughts and concerns of a vast array of Bay area stakeholders in the most recent version of the proposed Bay Plan Amendments on Climate Change (Amendments). While in many respects the truly substantive discussion on climate change and identifying and funding solutions for the Bay area has yet to begin, the July 29 version of the Amendments presents a platform to advance, rather than impede, that discussion. Accordingly, the Saltworks project, including its principals – DMB Associates, Inc. and Cargill, Inc. – remove their objection to adoption of the Amendments as presented in the July 29, 2011, version.

As noted as early as our May 2009 letter to the Commission, we have remained gravely concerned about the Amendments including any direct or indirect preemptive judgment on certain categories of projects. We have long maintained that projects within areas potentially impacted by sea level rise require close and exacting case-by-case scrutiny. Such projects have the potential to be sources of much needed innovation and capital investment to actually deliver protection to vulnerable areas, and the Commission should incentivize such approaches and not discourage them. This is particularly true in light of the scarce supply of and multiple competing demands for government and NGO dollars.

We appreciate that the July 29 version of the Amendments calls for this case-by-case analysis. The Amendments now stress that projects will be evaluated on their individual merits. Further, the Amendments call attention to the imperative of protecting existing development and infrastructure, the need for innovative approaches to do so, and the unfortunate shortage of current public funding sources to carry out those protective measures.

The Commission is uniquely composed and empowered to initiate and advance what will be long and difficult discussions



A PASSION FOR GREAT PLACES

Chair Randolph  
Executive Director Travis  
BAY CONSERVATION AND DEVELOPMENT COMMISSISON  
August 11, 2011  
Page 2

involving cities, counties, flood control agencies, and government at all levels; property owners; homeowners; potential investors; and a myriad of other interested stakeholders. That discussion – as envisioned in proposed Climate Change Policy 6 – should begin immediately and should be integrated as soon as possible with the regional dialog regarding the Bay Area's compliance with SB 375. The outcomes called for in the proposed Amendments cannot be severed from the land use and infrastructure discussions already occurring in the SB 375 context.

At Saltworks, we have been considering these issues and the need for solutions for years. We believe we can provide a noteworthy model for local, regional, and private sector collaboration to deliver meaningful protection on the ground. Of course, through our planning and development, the Saltworks community will be fully protected from the threat of sea level rise. We believe Saltworks presents the additional opportunity to leverage that investment for a greater regional good. We intend that the investment of the Saltworks project provide the catalyst for regional protection to defend portions of Redwood City already vulnerable to the threat of inundation. This threat remains regardless of the approval of Saltworks. This model of leveraging private investment and innovation to realize regional benefit can and should be pursued throughout the Bay area.

While removing our opposition to the Commission's adoption of the July 29 version of the proposed Amendments, we simultaneously urge the Commission to immediately push for the regional dialog envisioned in proposed Climate Change Policy 6. The time is now to begin the difficult work of finding answers to the threat of sea level rise that has been so timely highlighted in the consideration of the proposed Amendments.

Again, we commend the staff and Commission members for their patient consideration and thoughtfulness in progressing through a sometimes tense though necessary and productive dialog.

Sincerely,

A handwritten signature in black ink, appearing to read "David C. Smith", with a stylized flourish at the end.

David C. Smith, Esq.  
Senior Vice President  
DMB ASSOCIATES, INC.



SIERRA  
CLUB  
CALIFORNIA

August 17, 2011

R. Sean Randolph, Chair, and Commissioners  
San Francisco Bay Conservation and Development Commission  
50 California Street, Suite 2600  
San Francisco, CA 94111

RE: Bay Plan Amendment 1-08 Concerning Climate Change

Dear Chairperson Randolph and Commissioners:

The Sierra Club California Coast Resilient Habitats Campaign appreciates the opportunity to comment on the above referenced draft Bay Plan Amendment (Amendment). We congratulate the Commission on recognizing the threats to the Bay, its fish and wildlife and its surrounding human community that will result from sea level rise as a result of climate change.

However, we can only reluctantly support the draft Amendment since we are very disappointed that the draft Amendment does not fully address these threats. We urge Commissioners, even at this late date, to require a strengthening of the document by asking staff to make clearer the necessity of avoiding new development in currently undeveloped shoreline areas that are very likely to be under water in 25 to 50 years. This will better serve our community by not putting people in harm's way and it will enable the Bay's ecosystem to survive sea-level rise by providing tidal marshes and mudflats room to move upland (somewhat humorously called wetlands creep) on undeveloped shoreline as existing tidal marshes and mudflats experience inundation.

It is true that the Amendment and BCDC itself, can only address impacts of sea-level rise to the Bay's open waters and some tributaries and to the Bay's salt ponds and managed wetlands since these are the only areas regulated by BCDC (within the 100-foot shoreline band BCDC's authority is limited to public access and the Commission there may require public access improvements consistent with climate change impacts).

Therefore, one may ask why this Amendment process has attracted so much controversy. We believe it is for two reasons. One reason is that BCDC is the first Bay Area, and possibly state, regulatory agency to actually develop protocols for dealing with the impacts of climate change and thus all interested parties are working to ensure that this first model policy is not damaging to their interests. Whether those interests are also in the public interest is another question. The goal of the Sierra Club, at least, is for BCDC to adopt an Amendment that will in the face of sea level rise protect and preserve the Bay and the fish and wildlife dependent upon it and that will provide for the safety of the human communities surrounding the Bay. We believe this best serves the public interest.

The second reason for the controversy over the amendment is that the one project that will definitely be affected by a strong BCDC Climate Change Amendment is the Redwood City Salt Works project. The developer of this project is DMB and according to a New York Times article, *"DMB Associates, the firm behind the ambitious*



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CALIFORNIA

*Redwood City Saltworks development, spent more than \$350,000 on lobbyists over the past year to influence and monitor the proposal and other state regulations and legislation, records show”(see Appendix A).*

We believe that much of the opposition to a strong BCDC climate change amendment is the result of a misunderstanding leading to a concern by local governments that their existing communities will be threatened by a strong Amendment, believing that BCDC will require the abandonment of some of those communities to flooding from sea level rise. This belief is obviously wrong since BCDC’s statutes restrict it, as mentioned above, to regulating salt ponds, managed wetlands and the Bay itself, not existing shoreline communities.

We believe it is in the public interest for the BCDC to develop a strong Climate Change Amendment that deters development in undeveloped low-lying flood-prone areas. There are many reasons for this, but especially pertinent is the fact that the cost of protecting newly developed areas in these undeveloped low-lying flood prone areas will be prohibitive. The Amendment itself states that, “[A] current lack of funding to address projected impacts from sea level rise necessitates a collaborative approach with all stakeholder groups to find strategic and innovative solutions (Climate Change section k.)”. The California Climate Adaptation Strategy (CCAS) states that, “The strategy acknowledges that the high financial... costs of protecting everything may prove to be impossible...”(see Amendment Climate Change Policy w.)

A failure to recognize these financial constraints may lead to situations, as we have seen recently at the Lennar development at Mare Island and the Wilder development in Orinda, where developments have undergone bankruptcy. If such defaults happen to future, unwisely encouraged, shoreline developments the public will be held responsible for funding the shoreline improvements necessary for protecting those new developments or, if public funding is not available (and our current fiscal situation does not encourage optimism for future emergency public funding), the residents of those developments will face flooding and potentially the need to abandon those developments. A weak policy may, in other words, be putting innocent people in harm’s way as the Bay rises a potential five feet or more.

Unfortunately as we will demonstrate below, the proposed Amendment may be read as actually encouraging development in just such low-lying areas.

Instead of using strong policies to deter most development on these undeveloped low-lying areas the Amendment continually gives equal weight to both development and preservation in these flood-prone areas and can actually be seen as encouraging such development. For example, when talking about a regional strategy for climate change the Amendment’s Climate Change Policy 6 (pages 23-25) states:

Ideally, the regional strategy will determine where and how existing development should be protected and infill development encouraged, where new development should be permitted....(emphasis ours).

A more appropriate approach would state, “Ideally, the regional strategy will determine where and how existing development should be protected *and develop criteria that will restrict where new development*



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*should be permitted...*" (italics our proposed language). This would be more in keeping with the State's California Climate Adaptation Strategy.

Other sections that would seem to encourage development on low-lying shoreline areas include Finding r. in the Climate Change Section (pg. 18)

In some cases, the regional goals of encouraging infill development, remediating environmentally degraded land, redeveloping closed military bases and concentrating housing and job density near transit may conflict with the goal of minimizing flood risk by avoiding development in low-lying areas vulnerable to flooding (emphasis ours).

Even where staff suggests that the Amendment language is supportive of preserving low-lying areas we find confusing and mixed message language. For example, Finding s. in the Climate Change Section (pg. 18) states that,

Some undeveloped low-lying areas that are vulnerable to shoreline flooding contain important habitat or provide opportunities for habitat enhancement. In these areas, development that would have regional benefits could preclude wetland enhancement that would also have regional benefits.

Staff suggests that this is a statement that "*acknowledges some undeveloped areas contain critical habitat or could be enhanced for habitat.*" But this Section also makes it clear that such sites may also provide regional development benefits and it makes no judgment as to which is better thus ignoring the CCAS recommendation that agencies consider prohibiting development in such critical aquatic resource areas (see below).

We appreciate the inclusion in the Amendment elements from the CCAS. This is found in Finding w of the Amendment's Climate Change Section (page 20). In particular the Amendment includes the quotes:

...The strategy acknowledges that the high financial, ecological, social and cultural costs of protecting everything may prove to be impossible; in the long run, protection of everything may be both futile and environmentally destructive...

The strategy further recommends that state agencies should generally not plan, develop, or build any new significant structure in a place where that structure will require significant protection from sea-level rise, storm surges, or coastal erosion during the expected life of the structure...

The strategy further recommends that the state should consider prohibiting projects that would place development in undeveloped areas already containing critical habitat, and those containing opportunities for tidal wetland restoration, habitat migration, or buffer zones...

This language is straightforward and compelling. In contrast, Amendment Climate Change Policy 6 states,



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To address the regional adverse impacts of climate change, undeveloped areas that are both vulnerable to future flooding and currently sustain significant habitats or species, or possess conditions that make the areas especially suitable for ecosystem enhancement should be given special consideration for preservation and habitat enhancement and should be encouraged to be used for those purposes.

This Amendment language differs from the CCAS in two significant ways.

First, the CCAS recommends that *"agencies should generally not plan, develop, or build any new significant structure in a place where that structure will require significant protection from sea-level rise"*. The CCAS phrase "Generally not plan" is a much stronger directive than the draft Amendment's vague "should be given special consideration for preservation." The draft Amendment's use of the phrase, *"special consideration for preservations..."*, also ignores the CCAS' even stronger recommendation that, *"the state should consider prohibiting projects that would place development in undeveloped areas already containing critical habitat, and those containing opportunities for tidal wetland restoration, habitat migration, or buffer zones..."*

A previous (May 2011) Amendment draft had the language "Development in these areas should be discouraged." We urge Commissioners to return this phrase to this section of the Amendment so that it reads,

To address the regional adverse impacts of climate change, undeveloped areas that are both vulnerable to future flooding and currently sustain significant habitats or species, or possess conditions that make the areas especially suitable for ecosystem enhancement should be given special consideration for preservation and habitat enhancement and should be encouraged to be used for those purposes.  
Development in these areas should be discouraged.

If the current language stands, Commissioners may feel that such equivocal language gives them a relatively confusing foundation on which to make difficult decisions when developers come to the Commission seeking approvals.

The second difference between the CCAS and the draft Amendment is that the CCAS language apparently applies to all undeveloped low-lying areas likely to be flooded (see quote above). The draft Amendment's language on the other hand suggests that such avoidance of development should only take place for those low-lying areas that also provide existing significant habitat value or restoration opportunities.

But protecting such a limited amount of bay shoreline habitat is not sufficient. As the Amendment recognizes in its Tidal Marshes section:

k. Landward marsh migration may be necessary to sustain marsh acreage around the Bay as sea level rises. As sea level rises, high-energy waves erode inorganic mud from tidal flats and deposit that sediment onto adjacent tidal marshes. Marshes trap sediment and contribute additional material to the marsh plain as



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decaying plant matter accumulates. Tidal habitats respond to sea level rise by moving landward, a process referred to as transgression or

migration. Low sedimentation rates, natural topography, development, and shoreline protection can block wetland migration.

It is well known that the Bay is suffering a deficit of tidal marsh. Again, as recognized in the Amendment Tidal Marsh and Tidal Flats section the Baylands Ecosystem Habitat Goals report recommends a restoration of 65,000 acres of new tidal marsh on top of the Bay's existing tidal marsh acreage. While many new acres of tidal marsh are in the process of being restored a significant acreage of existing tidal marsh will be lost to sea level rise. If we wish to preserve the health of the Bay we must provide for tidal marsh movement upland and that can only take place in undeveloped shoreline areas and much as our science in this area has improved, sediment movements are still only partially understood. We may find that unlikely areas of undeveloped shorelines will take on unanticipated ecological significance. Also, as the Bay shoreline moves closer to human infrastructure, historic corridors between marshes may be submerged and undeveloped uplands that may not provide tidal marsh restoration opportunities may become essential for the maintenance of such corridors.

Furthermore, regarding this second distinction between CCAS and the draft Amendment, while the California Coast Resilient Habitats Campaign is focused on habitats, we cannot ignore the fact that seawalls, the most likely form of protection for existing communities threatened by sea-level rise, bring their own structural and ecological impacts to adjacent coastal habitats. Seawalls create reflected wave energy that results in the erosion of adjacent coastal habitats. Such edifices may be necessary for the protection of existing communities but new seawalls erected to protect new developments in low-lying areas will be both exceptionally costly (as the CCAS suggests, *"The strategy acknowledges that the high financial... costs of protecting everything may prove to be impossible..."*) and ecologically damaging even to those areas the Commission seeks to preserve and protect.

So, with all these flaws, why should we support the adoption of this Amendment? It is because, flawed as it is, the Amendment does provide Commissioners with language that will allow them to discourage projects in low-lying flood-prone areas. It is not as clear as we would wish nor as directed on keeping the public out of harm's way and on preserving the Bay's ecosystem. But with enlightened Commissioners and staff it will provide (barely) sufficient language to meet those goals.

We are pleased that the draft Amendment does provide language that may deflect development from some of the Bay's most valuable shoreline habitats but we believe, as cited above, that that language is weak and may well fail to discourage future development on most shoreline areas at risk from flooding resulting from sea-level rise.

The Amendment does, as said above, include language urging the preservation of tidal marshes and tidal flats (mudflats). For example in Policy 4 (page 11) of the Tidal Marshes and Tidal Flats Section of the Amendment it states,



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...Further, local government land use and tax policies should not lead to the conversion of these restorable lands to uses that would preclude or deter potential restoration. The public should make every effort to acquire these lands from willing sellers for the purpose of habitat restoration and wetland migration.

Thus, we find in this draft document conflicting emphases between encouraging development (basically all of Climate Change Policy 7 (page 26)) on low-lying flood prone areas and language such as that quoted directly above that urges appropriate constraint on such development.

However, to our mind, much more space and emphasis is placed on how we can develop the shoreline as opposed to how we can preserve and protect the Bay and its ecosystem. Considering the origination of BCDC as an agency created to restrain the development of the Bay, we find it unsettling to see so much policy language addressing how the Bay shoreline can be developed. Climate Change Policy 7, for example, itemizes the tasks a developer must take to justify development on low-lying flood-prone areas. None of those tasks is beyond the reach of any well-funded developer: the promise of good transit, the promise of adapting to sea-level rise (of course the developer will be long gone when that difficulty approaches leaving the cost to residents, businesses and taxpayers), the promise of a financial strategy to fund the adaptation to sea level rise (but the bankruptcies quoted above illustrate how insecure such promises may be).

Nonetheless, the Amendment does contains policies, as shown above, that will allow Commissioners and staff to reach the hard decisions necessary to prevent the unwise development of the Bay's shoreline in the face of sea level rise.

We urge the Commissioners to require staff to strengthen this document but failing that to vote for its adoption. Life will be easier for you if it becomes a clearer, stronger document. We wish us all luck in meeting the challenges we face as the Bay rises.

Sincerely yours,

Linda Zablotny-Hurst, Staff Co-Lead  
California Coast Resilient Habitats Campaign  
Deputy Director, Sierra Club California

Arthur Feinstein, Team Leader  
California Coast Resilient Habitats Campaign  
Chair, Sierra Club, San Francisco Bay Chapter

Dave Grubb, Volunteer Co-Lead  
California Coast Resilient Habitats Campaign

Lesli Daniel, Organizer  
California Coast Resilient Habitats Campaign



# HAYWARD AREA RECREATION AND PARK DISTRICT

1099 'E' Street, Hayward, California 94541-5299 • Telephone (510) 881-6700 FAX (510) 888-5758

August 22, 2011

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SAN FRANCISCO BAY CONSERVATION  
& DEVELOPMENT COMMISSION

The Honorable Sean Randolph, Chair  
San Francisco Bay Conservation and Development Commission  
50 California Street, Suite 2600  
San Francisco, CA 94111

**Subject: Proposed Bay Plan Amendment No. 1-08**

Dear Mr. Chairman and Commissioners:

As a local special district that has been studying sea level rise in the East Bay and as a participant in the ongoing Adapting to Rising Tides project, the Hayward Area Recreation and Park District is pleased to see BCDC addressing the issues of sea level rise and climate change at a regional scale. While the proposed Bay Plan Amendment is a step in the right direction, additional resources must be directed toward more detailed vulnerability assessments and adaptation plans as well as actual shoreline improvements.

While we recognize that the proposed Bay Plan Amendments are not intended to increase BCDC's regulatory authority, the 100-foot-wide shoreline band will move as sea levels rise, which will increase BCDC's area of authority. Current mapping is not sufficient to know the future extent of the Bay and the 100-foot-wide band on the Hayward shoreline.

Local agencies intend to take a leadership role in the planning for sea level rise, and the Hayward Area Recreation and Park District and the Hayward Area Shoreline Planning Agency (HASPA) have already assumed such a role, as reflected in the development of a preliminary impact assessment of sea level rise on the Hayward shoreline. A collaborative partnership with BCDC will be essential for such planning as well as for the funding and the implementation of adaptation plans.

On that note, the Hayward Area Recreation and Park District looks forward to working closely with BCDC on the regional sea level rise adaptation strategy called for in the proposed Bay Plan Amendment, and fully supports and appreciates BCDC's efforts to address sea level rise and encourages the Commission to continue to work on this issue.

**BOARD OF  
DIRECTORS**

Louis M. Andrade  
Paul W. Hodges Jr.  
Minane Jameson  
Carol A. Pereira  
Dennis M. Waespi

**GENERAL MANAGER**

Rita Bedoya Shue

The Honorable Sean Randolph, Chair

August 22, 2011

Page 2

Also, in consideration of the proposed amendments, we look forward to continuing to work with BCDC to find ways to streamline the permitting process for levee repairs and other sea level rise mitigation/adaptation projects that are critically needed both now and as the Bay continues to rise.

Sincerely,

A handwritten signature in cursive script that reads "Rita Shue".

**Rita Shue**  
**General Manager**

IN THE BOARD OF DIRECTORS  
OF THE  
HAYWARD AREA RECREATION AND PARK DISTRICT

RESOLUTION NO. R-1112-14

RESOLUTION AUTHORIZING THE GENERAL MANAGER TO SIGN A  
LETTER TO THE SAN FRANCISCO BAY CONSERVATION AND  
DEVELOPMENT COMMISSION REGARDING THE PROPOSED  
BAY PLAN AMENDMENTS

---

WHEREAS, the San Francisco Bay Conservation and Development Commission (BCDC) has been working on amending the Bay Plan to incorporate findings and policies related to climate change since April, 2009; and

WHEREAS, the Bay Plan needs to be amended to include policies that address both existing and planned development that will be impacted by rising sea levels; and

WHEREAS, the Bay Plan Amendment (BPA) is scheduled to be considered by the Commission on September 1, 2011 and approved on October 6, 2011; and

WHEREAS, the Hayward Area Recreation and Park District commends BCDC for addressing climate change and the issue of sea level rise in the Bay Plan; and

WHEREAS, the Hayward Area Recreation and Park District is a member of the Hayward Area Shoreline Planning Agency (HASPA), a joint powers agency, composed of the City of Hayward, the Hayward Area Recreation and Park District, and the East Bay Regional Park District; and

WHEREAS, HASPA has been considering the potential impacts of sea level rise and in 2009 commissioned a study titled "Preliminary Study on the Effect of Sea Level Rise on the Resources of the Hayward Shoreline," by hydrology consultant Phillip Williams and Associates; and

WHEREAS, further study is needed to determine the relative vulnerability of the various systems of infrastructure and to develop a master plan that prioritizes and coordinates the improvements that need to be made to protect these resources; and

WHEREAS, land use decisions made along the shoreline, particularly inland from the current 100-foot zone, have the capacity to impact and guide future economic development within the boundaries of the Hayward Area Recreation and Park District; and

WHEREAS, the Hayward Area Recreation and Park District looks forward to working closely with BCDC on the regional sea level rise adaptation strategy called for in the proposed Bay Plan Amendment, while stressing the importance of continuing to allow maximum local land use control along the shoreline.

NOW THEREFORE BE IT RESOLVED, that the General Managaer is hereby authorized and directed, on behalf of the Board of Directors and in its name, to sign and send a letter addressed to BCDC supporting BCDC's efforts to address sea-level rise in partnership with affected local jurisdictions while recognizing the importance and respecting the responsibility local municipalities have for land use and land use decisions within their boundaries.

DATED: August 22, 2011

INTRODUCED BY: *Hodges*

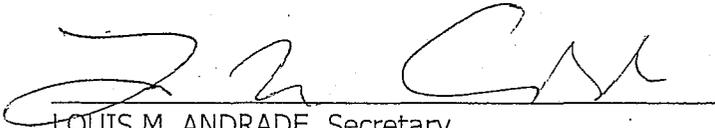
AYES: *Andrade, Hodges, Jameson, Pereira, Waespi*

NOES: *None*

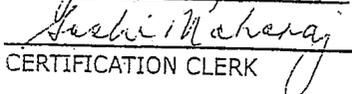
ABSENT: *None*

ABSTAIN: *None*

  
\_\_\_\_\_  
MINANE JAMESON, President  
Board of Directors

  
\_\_\_\_\_  
LOUIS M. ANDRADE, Secretary  
Board of Directors

I CERTIFY THAT I AM THE DULY AUTHORIZED  
INDIVIDUAL EMPOWERED TO CERTIFY  
RESOLUTIONS AND THAT THE FOREGOING IS A  
TRUE AND CORRECT COPY OF A RESOLUTION  
ADOPTED BY THE BOARD OF DIRECTORS OF  
THE HAYWARD AREA RECREATION AND PARK  
DISTRICT ON August 22, 2011

  
\_\_\_\_\_  
CERTIFICATION CLERK